

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :
Govil et al. :
 :
 : Group Art Unit: 1617
Application No. 08/883,075 :
 : Examiner: E. Webman
Filed: June 26, 1997 :
 : Date: September 16, 1999
For: ADHESIVE MIXTURE FOR :
TRANSDERMAL DELIVERY OF :
HIGHLY PLASTICIZING DRUGS :
X

Assistant Commissioner for Patents
Washington, D.C. 20231



RESPONSE

Sir:

In response to the official action dated March 19, 1999, in which claim 84 was rejected, the following remarks are respectfully submitted.

REMARKS

As was explained by applicants in a communication dated June 26, 1997, claim 84 in the present application is identical to claim 1 of International Publication No. WO 96/40085 (the '085 patent), which was published on December 19, 1996. This information was brought to the Examiner's attention during prosecution of this application for the purpose of alerting the Examiner to the possible necessity for an interference if there is a pending U.S. application directed to such subject matter.

Turning to the official action of March 19, 1999, the sole rejection in that official action is the Examiner's contention that claim 84 is anticipated by the '085 patent under 35 U.S.C. § 102(b). It is noted, however, that the '085 patent is clearly not a statutory bar, and that, in any event, applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on September 16, 1999.

(Signature)

Arnold H. Krumholz

Typed or Printed Name of Person Signing Certificate